

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA, )  
Plaintiff, )  
vs. ) Case No: 21-CR-40039-SMY  
MINGQING XIAO )  
Defendant. )

**DEFENDANT MINGQING XIAO'S  
SUPPLEMENTAL NOTICE OF EXPERT TESTIMONY**

Defendant, Dr. Mingqing Xiao, by and through his attorneys, pursuant to Federal Rule of Criminal Procedure 16(b)(1)(C), hereby submits the following supplemental notice regarding expert testimony the Defendant may elicit during his case-in-chief. This notice supplements Dr. Xiao's previously filed Notice of Expert Testimony (ECF No. 115), and Dr. Xiao continues to reply upon his prior notice, except as set forth below. As set forth in Rule 16, Defendant's supplemental notice describes for each potential expert witness the "witness's opinions, the bases and reasons for those opinions, and the witness's qualifications." Fed. R. Crim. P. 16(b)(1)(C).

**I. Dr. Mary Toney – United States National Science Foundation Expert<sup>1</sup>**

Dr. Mary Toney most recently served as Deputy Division Director of the National Science Foundation ("NSF"). She previously served as an NSF Program Director. Dr. Toney has extensive experience with NSF's grant application, selection, and management processes. Earlier in her career, Dr. Toney was a Project Leader, R&D Manager, and Director of R&D for Albany International. Dr. Toney received a BS in Clothing and Textiles from Framingham State

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<sup>1</sup> In this filing, Defendant now provides notice of Dr. Toney's potential expert testimony in lieu of the unnamed "United States National Science Foundation Expert" described in Dr. Xiao's previously filed Notice of Expert Testimony (ECF No. 115).

University, an MS in Mechanical Engineering from the Massachusetts Institute of Technology, and a PhD in Fiber Science from Cornell University. A copy of Dr. Toney's LinkedIn profile is attached as Exhibit A.

If called as a witness, the opinions expressed by Dr. Toney will be based on a combination of her professional experience and her training and education. Her testimony will also be based on her review of relevant facts and documents at issue in this case.

If called as a witness, Dr. Toney will testify about matters related to the NSF grant application process. Among other things, her testimony will relate to the specific steps that NSF takes when considering grant applications, the factors that guide NSF's decision making with regard to recommending, approving or denying grant applications, the requirements related to disclosure of other "organizational affiliations" and information sought in the "Current and Pending Support" section of NSF grant applications, and the research community's understanding of those requirements. She will also testify regarding NSF's Proposal & Award Policies & Procedures Guidelines ("PAPPG"), including changes to those and related guidelines over time.

The Defendant reserves the right to amend this notice both prior to trial and to supplement the descriptions of the expected expert testimony in light of the evidence presented at trial, future developments in the case, the provision of additional discovery, outreach to additional witnesses, and rulings by the Court.

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Dated: April 9, 2022

Respectfully submitted,

/s/ Ryan Poscablo

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*Attorneys for Defendant Mingqing Xiao*

**CERTIFICATE OF SERVICE**

I hereby certify that April 9, 2022, I electronically filed the foregoing Supplemental Notice of Expert Testimony with the Clerk of Court using the CM/ECF system which will send notification of such filing to all counsel of record, including:

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